

AMENDED IN SENATE JULY 2, 2007
AMENDED IN ASSEMBLY APRIL 12, 2007
AMENDED IN ASSEMBLY MARCH 19, 2007
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 18

Introduced by Assembly Member Blakeslee

December 4, 2006

~~An act to amend Section 14 of, and to add Section 15 to, the Civil Code, to amend Section 17 of the Code of Civil Procedure, to amend Section 17 of the Corporations Code, to amend Section 354.5 of the Elections Code, to amend Section 17 of the Financial Code, to amend Section 81 of the Fish and Game Code, to amend Section 16 of, and to add Section 12172.7 to, the Government Code, to amend Section 18 of the Harbors and Navigation Code, to amend Section 18 of the Health and Safety Code, to amend Section 18 of the Insurance Code, to amend Section 17 of the Labor Code, to amend Section 17 of the Military and Veterans Code, to amend Section 7 of the Penal Code, to amend Section 17 of the Public Resources Code, to amend Section 16 of the Public Utilities Code, to amend Section 18 of the Revenue and Taxation Code, to amend Section 18 of the Streets and Highways Code, to amend Section 17 of the Unemployment Insurance Code, to amend Section 17 of the Vehicle Code, to amend Section 17 of the Water Code, and to amend Section 17 of the Welfare and Institutions Code, relating to disabled persons. An act to amend Section 354.5 of the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 18, as amended, Blakeslee. Disabled persons: signature stamps.

Existing law ~~generally~~ provides that, when a signature is required ~~on a document or writing~~ *for any purpose specified in the Elections Code*, a person who cannot write may satisfy that requirement by the use of a mark if certain conditions are met, ~~except as specified.~~

This bill would ~~establish the Warren Mattingly Signature Stamp Act, which would~~ provide, in addition, that a person with a disability, as defined, who, by reason of the disability, is unable to write may use a signature stamp, or authorize another person to use the stamp, ~~to affix serve as his or her signature to a document or writing any time that a signature is required by law or requested in connection with a transaction for any purpose specified in the Elections Code.~~ The bill would require that a signature affixed with a signature stamp pursuant to these provisions be treated in the same manner as a signature made in writing. It would impose certain conditions on the use of signature stamps, including a condition that the signature stamp be used in the presence of the person, entity, or representative of the person or entity *Secretary of State, local elections officials, or their designees* that ~~requires require or requests request~~ the signature and a condition that the owner of the signature stamp present valid identification, as specified. ~~The bill would require that, in certain circumstances, a signature by signature stamp be accompanied by the signature of a witness or, in certain other circumstances, 2 witnesses.~~

The bill would prohibit the use of a signature stamp on a ballot, or to obtain a ballot, in any local, state, or federal election unless the person has registered the signature stamp with the Secretary of State, ~~and would require the Secretary of State to develop such a registry.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~This act shall be known as the Warren Mattingly~~
- 2 ~~Signature Stamp Act.~~
- 3 SEC. 2. ~~Section 14 of the Civil Code is amended to read:~~
- 4 14. ~~(a) Words used in this code in the present tense include~~
- 5 ~~the future as well as the present; words used in the masculine~~
- 6 ~~gender include the feminine and neuter; the singular number~~
- 7 ~~includes the plural, and the plural the singular.~~
- 8 (1) ~~“Person” includes a corporation as well as a natural person.~~
- 9 (2) ~~“County” includes city and county.~~

1 ~~(3) “Writing” includes printing and typewriting.~~

2 ~~(4) “Oath” includes affirmation or declaration; and every mode~~
3 ~~of oral statement, under oath or affirmation, is embraced by the~~
4 ~~term “testify,” and every written one in the term “depose.”~~

5 ~~(b) The following words have in this code the signification~~
6 ~~attached to them in this section, unless otherwise apparent from~~
7 ~~the context:~~

8 ~~(1) “Property” includes property real and personal.~~

9 ~~(2) “Real property” is coextensive with lands, tenements, and~~
10 ~~hereditaments.~~

11 ~~(3) “Personal property” includes money, goods, chattels, things~~
12 ~~in action, and evidences of debt.~~

13 ~~(4) “Month” means a calendar month, unless otherwise~~
14 ~~expressed.~~

15 ~~(5) “Will” includes codicil.~~

16 ~~(6) “Section,” whenever employed, refers to a section of this~~
17 ~~code, unless some other code or statute is expressly mentioned.~~

18 ~~(7) “Signature” or “subscription” includes the following:~~

19 ~~(A) A mark when the person cannot write, the signer’s or~~
20 ~~subscriber’s name being written near the mark by a person who~~
21 ~~writes his or her own name as a witness, provided that when a~~
22 ~~signature is by mark it must, in order that it may be acknowledged~~
23 ~~or may serve as the signature to any sworn statement, be witnessed~~
24 ~~by two persons who must subscribe their own names as witnesses~~
25 ~~thereto.~~

26 ~~(B) An impression made by the use of a signature stamp~~
27 ~~pursuant to the requirements specified in Section 15.~~

28 ~~SEC. 3. Section 15 is added to the Civil Code, to read:~~

29 ~~15. (a) Except as provided in subdivisions (b) to (d), inclusive,~~
30 ~~and notwithstanding any other provision of law, the following~~
31 ~~provisions apply:~~

32 ~~(1) An authorized user may use a signature stamp to affix a~~
33 ~~signature to a document or writing any time that a signature is~~
34 ~~required by law or requested in connection with a transaction.~~

35 ~~(2) A signature affixed with a signature stamp by an authorized~~
36 ~~user in accordance with the requirements of this section shall be~~
37 ~~treated in the same manner as a signature made in writing.~~

38 ~~(b) If the requirement that a document or writing be signed is~~
39 ~~accompanied by any additional qualifying requirement, subdivision~~

1 ~~(a) shall apply only if each additional qualifying requirement is~~
2 ~~satisfied.~~
3 ~~(e) A person shall not use a signature stamp unless the following~~
4 ~~requirements are met:~~
5 ~~(1) The person is an authorized user of that signature stamp.~~
6 ~~(2) The person uses the signature stamp in the presence of the~~
7 ~~person, entity, or representative of the person or entity that requires~~
8 ~~or requests the signature in the execution of the document.~~
9 ~~(3) The owner of the signature stamp presents valid~~
10 ~~identification as proof of his or her identity to ensure that the person~~
11 ~~using or authorizing the use of the signature stamp is the owner~~
12 ~~of the stamp.~~
13 ~~(d) A person shall not use a signature stamp on a ballot, or to~~
14 ~~obtain a ballot, in any local, state, or federal election unless the~~
15 ~~person has registered the signature stamp with the Secretary of~~
16 ~~State pursuant to Section 12172.7 of the Government Code.~~
17 ~~(e) The following definitions apply for purposes of this section:~~
18 ~~(1) "Authorized user" means either of the following:~~
19 ~~(A) A person with a disability who, by reason of that disability,~~
20 ~~is unable to write and who owns a signature stamp.~~
21 ~~(B) A person using the signature stamp on behalf of the owner~~
22 ~~of the stamp with the owner's express consent and in the presence~~
23 ~~of the owner.~~
24 ~~(2) "Disability" means a medical condition, mental disability,~~
25 ~~or physical disability, as those terms are defined in subdivisions~~
26 ~~(h), (i), and (k), respectively, of Section 12926 of the Government~~
27 ~~Code.~~
28 ~~(3) "Identification" means any form of identification listed in~~
29 ~~paragraph (1) of subdivision (d) of Section 20107 of Title 2 of the~~
30 ~~California Code of Regulations.~~
31 ~~(4) "Signature stamp" means a stamp that contains the~~
32 ~~impression of any of the following:~~
33 ~~(A) The actual signature of a person with a disability.~~
34 ~~(B) A mark or symbol that is adopted by the person with the~~
35 ~~disability.~~
36 ~~(C) A signature of the name of a person with a disability that is~~
37 ~~made by another person and is adopted by the person with the~~
38 ~~disability.~~
39 ~~SEC. 4. Section 17 of the Code of Civil Procedure is amended~~
40 ~~to read:~~

1 17. (a) Words used in this code in the present tense include
2 the future as well as the present; words used in the masculine
3 gender include the feminine and neuter; the singular number
4 includes the plural, and the plural the singular.
5 (1) "Person" includes a corporation as well as a natural person.
6 (2) "County" includes "city and county."
7 (3) "Writing" includes printing and typewriting.
8 (4) "Oath" includes affirmation or declaration; and every mode
9 of oral statement, under oath or affirmation, is embraced by the
10 term "testify," and every written one in the term "depose."
11 (b) The following words have in this code the signification
12 attached to them in this section, unless otherwise apparent from
13 the context:
14 (1) "Property" includes both real and personal property.
15 (2) "Real property" is coextensive with lands, tenements, and
16 hereditaments.
17 (3) "Personal property" includes money, goods, chattels, things
18 in action, and evidences of debt.
19 (4) "Month" means a calendar month, unless otherwise
20 expressed.
21 (5) "Will" includes codicil.
22 (6) "Writ" signifies an order or precept in writing issued in the
23 name of the people, or of a court or judicial officer, and "process"
24 signifies a writ or summons issued in the course of judicial
25 proceedings.
26 (7) "State," when applied to the different parts of the United
27 States, includes the District of Columbia and the territories, and
28 "United States" may include the district and territories.
29 (8) "Section," whenever employed, refers to a section of this
30 code, unless some other code or statute is expressly mentioned.
31 (9) "Affinity," when applied to the marriage relation, signifies
32 the connection existing, in consequence of marriage, between each
33 of the married persons and the blood relatives of the other.
34 (10) "Sheriff" includes "marshal."
35 (11) "Signature" or "subscription" includes the following:
36 (A) A mark when the person cannot write, the signer's or
37 subscriber's name being written near the mark by a person who
38 writes his or her own name as a witness, provided that when a
39 signature is by mark it must, in order that it may be acknowledged
40 or may serve as the signature to any sworn statement, be witnessed

1 by two persons who must subscribe their own names as witnesses
2 thereto.

3 ~~(B) An impression made by the use of a signature stamp~~
4 ~~pursuant to the requirements specified in Section 15 of the Civil~~
5 ~~Code.~~

6 ~~SEC. 5. Section 17 of the Corporations Code is amended to~~
7 ~~read:~~

8 ~~17. (a) "Signature" includes mark when the signer cannot~~
9 ~~write, the signer's name being written near the mark by a witness~~
10 ~~who writes his or her own name near the signer's name; but a~~
11 ~~signature by mark may be acknowledged or may serve as a~~
12 ~~signature to a sworn statement only when two witnesses so sign~~
13 ~~their own names thereto.~~

14 ~~(b) "Signature" also includes an impression made by the use of~~
15 ~~a signature stamp pursuant to the requirements specified in Section~~
16 ~~15 of the Civil Code.~~

17 ~~SEC. 6.~~

18 ~~SECTION 1. Section 354.5 of the Elections Code is amended~~
19 ~~to read:~~

20 ~~354.5. (a) "Signature" includes both either of the following:~~

21 ~~(1) A person's mark if the name of the person affixing the mark~~
22 ~~is written near the mark by a witness over the age of 18 years~~
23 ~~designated by the person and the designee subscribes his or her~~
24 ~~own name as a witness thereto.~~

25 ~~(2) An impression made by the use of a signature stamp pursuant~~
26 ~~to the requirements specified in Section 15 of the Civil Code~~
27 ~~subdivision (c).~~

28 ~~(b) A mark attested as provided in paragraph (1) of subdivision~~
29 ~~(a), or an impression made by a signature stamp as provided in~~
30 ~~paragraph (2) of subdivision (a), may serve as a signature for any~~
31 ~~purpose specified in this code, including a sworn statement.~~

32 ~~(c) In addition to the requirements in subdivisions (d) to (f),~~
33 ~~inclusive, and notwithstanding any other provision of law, the~~
34 ~~following provisions apply with respect to the use of a signature~~
35 ~~stamp:~~

36 ~~(1) An authorized user may use a signature stamp to affix a~~
37 ~~signature to a document or writing any time that a signature is~~
38 ~~required by this code.~~

1 (2) A signature affixed with a signature stamp by an authorized
2 user in accordance with the requirements of this section shall be
3 treated in the same manner as a signature made in writing.

4 (d) If the requirement that a document or writing be signed
5 under this code is accompanied by any additional qualifying
6 requirement, subdivision (c) shall apply only if each additional
7 qualifying requirement is satisfied.

8 (e) A person may not use a signature stamp under this code
9 unless the following requirements are met:

10 (1) The person is an authorized user of that signature stamp.

11 (2) The person uses the signature stamp in the presence of the
12 Secretary of State, his or her designee, the local elections official,
13 or his or her designee that requires or requests the signature in
14 the execution of the writing or document required under this code.

15 (3) The owner of the signature stamp presents valid
16 identification as proof of his or her identity to ensure that the
17 person using or authorizing the use of the signature stamp is the
18 owner of the stamp.

19 (f) A person shall not use a signature stamp on a ballot, or to
20 obtain a ballot, in any local, state, or federal election unless the
21 person has registered the signature stamp with the Secretary of
22 State.

23 (g) The following definitions apply for purposes of this section:

24 (1) "Authorized user" means either of the following:

25 (A) A person with a disability who, by reason of that disability,
26 is unable to write and who owns a signature stamp.

27 (B) A person using the signature stamp on behalf of the owner
28 of the stamp with the owner's express consent and in the presence
29 of the owner.

30 (2) "Disability" means a medical condition, mental disability,
31 or physical disability, as those terms are defined in subdivisions
32 (h), (i), and (k) of Section 12926 of the Government Code.

33 (3) "Identification" means any form of identification listed in
34 paragraph (1) of subdivision (d) of Section 20107 of Title 2 of the
35 California Code of Regulations.

36 (4) "Signature stamp" means a stamp that contains the
37 impression of any of the following:

38 (A) The actual signature of a person with a disability.

39 (B) A mark or symbol that is adopted by the person with the
40 disability.

1 (C) A signature of the name of a person with a disability that
2 is made by another person and is adopted by the person with the
3 disability.

4 ~~SEC. 7. Section 17 of the Financial Code is amended to read:~~

5 ~~17. (a) "Signature" or "subscription" includes mark. The mark~~
6 ~~shall be made as required in the Civil Code.~~

7 ~~(b) "Signature" or "subscription" also includes an impression~~
8 ~~made by the use of a signature stamp pursuant to the requirements~~
9 ~~specified in Section 15 of the Civil Code.~~

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**All matter omitted in this version of the bill
appears in the bill as amended in Assembly,
April 12, 2007 (JR11)**